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Report of the Working Group of Experts on People of African Descent on its fifteenth and sixteenth sessions*

(Geneva, 31 March–4 April 2015)

Chair-Rapporteur: Mireille Fanon Mendès-France

Summary

The present report mainly focuses on deliberations of the sixteenth session of the Working Group on the theme of "Development and people of African descent". The Working Group engaged in internal discussions during its fifteenth session. At its sixteenth session, it acknowledged the linkages between underdevelopment and racism, racial discrimination, xenophobia and related intolerance faced by people of African descent. The Working Group urged States to establish programmes based on the participation of people of African descent aimed at improving their economic and social conditions. It also reiterated its recommendation to devote special attention to the needs of people of African descent through, inter alia, the preparation of specific programmes of action for the implementation of the programme of activities for the International Decade for People of African Descent.

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I. Introduction

1. The Working Group of Experts on People of African Descent held its fifteenth session from 17 to 21 November 2014 and its sixteenth session from 30 March to 2 April 2015 at the United Nations Office at Geneva. The fifteenth session was attended by the Chair of the Working Group, Mireille Fanon Mendès-France, Verene Shepherd and Sabelo Gumedze (appointed on 27 June 2014), as the formal appointment of two new members (Michal Balcerzak and Ricardo A. Sunga III) was still pending at the time. The sixteenth session was attended by all members of the Working Group, including the two new members. The present report is submitted in accordance with Human Rights Council resolutions 9/14, 18/28 and 27/25, in which the Working Group was requested to submit an annual report to the Council on all activities relating to its mandate.

2. Representatives of Member States, the Holy See, international organizations, regional organizations, non-governmental organizations (NGOs) and invited panellists participated in the session of the Working Group (see annex II).

II. Organization of the sixteenth session

A. Opening of the session

3. Ms. Fanon Mendès-France opened the session and welcomed all participants. In particular she welcomed the three new members of the Working Group, Mr. Gumedze, Mr. Balcerzak and Mr. Sunga.

4. The Chief of the Anti-Racial Discrimination Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Yury Boychenko, delivered the opening statement of the session, and informed the meeting that the High Commissioner would deliver his statement to the session on 1 April 2015. In his opening statement, Mr. Boychenko highlighted the important role of the Working Group in bringing focus to the multiple challenges faced by people of African descent in the enjoyment of the right to development, and in submitting important recommendations for States Members of the United Nations and civil society at large on ways to address the protection of their human rights.

B. Election of the Chair-Rapporteur

5. Ms. Fanon Mendès-France was re-elected Chair-Rapporteur of the Working Group. The Chair thanked the other members of the Working Group and the participants for their support and added that the Working Group would continue to strive to strengthen the mandate that had been entrusted to it.

C. Organization of work

6. The Working Group adopted the agenda (see annex I) and programme of work.

III. Update and briefings on activities undertaken by the Working Group in the past year

7. Under item 5 of the agenda, Ms. Fanon Mendès-France informed participants that on 3 November 2014 she had attended a meeting of the Third Committee of the General Assembly in New York and presented the activities of the Working Group, including an overview of discussions and conclusions from its annual meetings, findings from country fact-finding visits, action taken under the communication procedure and work relating to the International Decade for People of African Descent. An interactive dialogue at the end of her presentation had received broad support from members of the Committee for the work of the Working Group.

8. Ms. Fanon Mendès-France also briefed the participants of the sixteenth session on the fifteenth session of the Working Group, which was an internal meeting at which members had reviewed the Working Group's methods of work, prepared its upcoming session, communications and country visits and held meetings with various stakeholders and OHCHR units. The Working Group had agreed that it was important to identify its role in relation to the International Decade for People of African Descent and to communicate with the High Commissioner to seek clarity on the issue, including its participation in the Forum for People of African Descent. It had also decided to undertake follow-up visits five years after its previous visit to a country. It further decided to undertake a thematic study on racial stereotyping. Finally it decided to explore ways to increase collaboration with the Committee on the Elimination of Racial Discrimination.

9. The Chair-Rapporteur briefed participants on the country visits of the Working Group to the Netherlands (26 June–4 July 2014) and Sweden (1–5 December 2014). At the end of the visits, the Working Group had released press statements, which were available on the OHCHR website.[1] The Chair thanked the Governments of the Netherlands and Sweden for their invitation and assistance before, during and after the visits. The Chair also thanked the representatives of NGOs and the people of African descent with whom the Working Group had met during the visits and informed participants that reports of the missions would be submitted to the Human Rights Council at its thirtieth session and made publicly available on the website.

10. Ms. Shepherd informed participants that, on behalf of the Working Group, she had presented two reports to the Human Rights Council during its twenty-seventh session: the report on the country visit to Brazil from 4 to 14 December 2013, and the report on the fourteenth session of the Working Group. She mentioned that the report on the fourteenth session of the Working Group had generated much discussion in relation to access to justice for people of African descent. At the invitation of the President of the General Assembly, Ms. Shepherd had delivered the keynote address on the occasion of the commemoration of the International Day for the Elimination of Racial Discrimination at the United Nations in New York on 20 March 2015. The theme for the commemorative event was "Learning from historical tragedies to combat racial discrimination today". On the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on 25 March 2015, Ms. Shepherd had participated in the unveiling of the memorial entitled the "Ark of Return" at the United Nations in New York.

11. The Chair had participated in the sixth session of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14840&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15388&LangID=E.

Convention on the Elimination of All Forms of Racial Discrimination on 8 October 2014. In addition to those activities Ms. Fanon Mendès-France and Ms. Shepherd had participated in the official launch of the International Decade for People of African Descent (2015–2024) at the General Assembly on 10 December 2014.

IV. Summary of deliberations

Thematic analysis: development and people of African descent

12. The Working Group devoted its sixteenth session to the third pillar of the theme of the International Decade for People of African Descent, development.

13. Lawrence Juma, Professor and Deputy Dean, Faculty of Law, Rhodes University, South Africa, delivered the keynote presentation on the topic "Right to development and people of African descent: prospects and challenges". He began by stating that the International Decade for People of African Descent presented an opportunity to take stock of efforts that had been made up till then in the uplifting of the conditions of people of African descent and to make recommendations for the future. Mr. Juma delved into the nature of the right to development, asserting that the contentious nature of that right, owing to unresolved implementation challenges, should not obscure the overall benefits of it. Mr. Juma then outlined what development and the right to development should mean for people of African descent, drawing on experiences from Africa, the Americas and Europe. He proposed that the implementation of the right to development and a rights-based approach might provide some avenue for redressing the development needs of marginalized communities. He concluded by identifying areas that would maximize the benefits of a rights-based approach to development, such as increasing participation, normative interventions, the use of special measures and international collaboration.

14. An interactive discussion followed the presentation in which members of the Working Group and participants in the session engaged with Mr. Juma, who responded to questions and comments by further expanding on issues such as the justiciability of the right to development, providing further avenues for participatory processes in realizing the right to development and awareness-raising. The Permanent Representative of Brazil thanked the Working Group and the keynote speaker for the presentation, and stated that genuine equality in development was fundamental for the eradication of racism. She added that the International Decade for People of African Descent provided an important opportunity to raise more awareness of the rights of people of African descent.

15. The first panel discussion of the session centred on the legal framework, the right to development and people of African descent. Shyami Puvimanasinghe, Human Rights Officer, Right to Development Section of OHCHR, presented a historical overview of the concept of the right to development and the international legal framework with a focus on the Declaration on the Right to Development. She also presented the new development paradigm based on the sustainable development agenda and its goals, the climate summit and development, and financing for development. She emphasized the need for international solidarity to realize the right to development for all people.

16. Ms. Fanon Mendès-France made a presentation, entitled "Law and development". Drawing from examples from around the world, she described the challenges in the realization of the right to development by people of African descent, including the denial of the right to human dignity. Despite the developments observed in standard-setting throughout the past decades, people of African descent continued to be discriminated against, inter alia, in various social sectors and in the criminal justice sector. Development

must be applied to uplift millions of African descendants and Africans, who had been perceived only through the devaluing prism of race and racial discrimination.

17. Patrice Tacita, a lawyer and poet belonging to the group Liyannaj Kont Pwofitasyon from Guadeloupe, lectured on "History, justice and development: the Kalinas's land case". He provided an overview of the case, which entailed the appropriation of land in Daubin, in the municipality of Sainte-Rose in Guadeloupe, by descendants of slave owners. Mr. Tacita informed the session that the Kalina people, who were people of African descent, had been dispossessed of their ancestral lands during the enslavement and since that time had been unable to reclaim their land owing to lack of recognition of the Kalina people as a distinct group of African descent with their own culture and tradition, as well as to discrimination in the administration of justice. He suggested that a legal approach to addressing the land issue in Guadeloupe was the way to restore what had been destroyed by enslavement followed by colonialism. He expressed hope that the Working Group would consider the case of the Kalina people in their struggle for the return of their dispossessed land.

18. The Director of the Regional Centre for Latin America and the Caribbean of the United Nations Development Programme (UNDP), Rebeca Arias, made a statement on video on "The state of development of people of African descent in Latin America and the Caribbean region". She stated that people of African descent in the region reflected a higher incidence of poverty, unemployment, low levels of schooling and worse health and housing problems along with the racial discrimination and lack of representation and participation faced by people of African descent. UNDP focused on prioritizing efforts to eliminate poverty and overcome inequality and exclusion in the region. The lack of participation of women of African descent in decision-making positions was a key challenge in addressing inequality in the region. Ms. Arias recommended promoting affirmative action policies and international cooperation as important ways to promote and protect the rights of people of African descent in the region.

19. During the interactive discussion a number of participants asked the panellists questions relating to the implementation of the right to development and sought more information on the Kalina people from Mr. Tacita.

20. The second panel discussion focused on the specific needs and experiences of people of African descent in the areas of education, housing, health and employment. Mr. Balcerzak, member of the Working Group, presented the topic, "Towards more effective implementation of economic, social and cultural rights of people of African descent: challenges and perspectives". He laid emphasis on the areas of education, employment, health and housing in the programme of activities of the International Decade for People of African Descent and suggested the inclusion of cultural rights as part and parcel of a human rights approach to development. He also emphasized fostering recognition of human rights among societies through education. There was an important need for more engagement with the Committee on Economic, Social and Cultural Rights. Mr. Balcerzak highlighted the importance of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which introduced the individual complaint mechanism in relation to the rights enshrined in the Covenant. He expressed hope that in the framework of the Decade the Working Group would have an opportunity to encourage regional organizations to take more interest in the economic and social rights of people of African descent.

21. Rebekah Thomas of the World Health Organization delivered a statement on the topic, "Ethnicity and health: Afro-descendant population in the region of the Americas". Ms. Thomas pointed out that communicable diseases, such as HIV/AIDS, sexually transmitted infections or tuberculosis, continued to be an important cause of morbidity and mortality among people of African descent in the Americas, chronic degenerative diseases, such as cardiovascular disease and cancers, were on the rise — together with urban health problems (external causes such as violence, suicides and accidents; alcoholism and drug

dependency; pollution, deterioration and destruction of the environment). Women of African descent found that their situation had worsened because of discrimination and that they suffered by virtue of their ethnicity. Ms. Thomas further highlighted ongoing strategies aimed at reducing health inequities, including through targeted work at the inter-agency and country level, by focusing on tuberculosis, other communicable diseases and mental health, as well as on various awareness-raising activities.

22. Lisa Wong of the International Labour Organization (ILO) presented a paper on the topic "People of African descent and the labour market: limited progress". She stated that the elimination of discrimination in employment occupation and the promotion of equality of opportunities had been at the core of the work of ILO. However, discrimination based on race continued to affect millions of workers worldwide. She pointed out the multiple forms of discrimination faced by women of African descent, such as the combined effects of the economic crisis, renewed debates about multiculturalism in society, plus the resurgence of intolerance and xenophobic sentiment in many parts of the world. Wage discrimination and racial stereotypes in workplaces, limited access to formal education and vocational training were mentioned as some of the major challenges Enactment and enforcement of legislation prohibiting and preventing discrimination at work, promotion of equal opportunities at work, education, training and awareness, were some of the important means of tackling the challenge, in which ILO was actively engaged. She also provided a number of examples from various countries in that regard.

23. Mr. Gumedze, member of the Working Group, delivered a presentation on the topic "The effects of racial discrimination on development in Africa". Mr. Gumedze asserted that racial discrimination negated development and impeded the enjoyment of the right to development in Africa. He stated that the legacy of apartheid in South Africa, racial discrimination in Madagascar and Tunisia, the genocide in Rwanda as a result of discrimination on grounds of ethnicity, modern slavery in Mauritania and the Sudan and the prevalence of discrimination against people with albinism in Africa provided several indicative examples of racial discrimination in Africa. He recommended that the Working Group focus on those issues, which adversely affected the development of the continent.

24. During the interactive debate following the panel discussion, a number of participants commented and asked the panellists questions on the respective presentations. Ms. Fanon Mendès-France asked the presenters about the barriers to quality education. Ms. Shepherd commented that it was essential that development should not only be looked at from an economic perspective, its linkages to culture were equally important. Mr. Guzmedze commented on the importance of cultural education, while Mr. Sunga requested further information on culturally appropriate health services. In response, Mr. Balcerzak pointed out that it was essential to look into education systems that promoted scholarships and included issues relating to the history and culture of people of African descent, as ways to address barriers to education. Ms. Thomas responded that the participation of people of African descent and the principle of accessible, affordable and acceptable health services were important elements in ensuring culturally appropriate health services. The representative of Uruguay requested further information on the impact of quotas, to which Ms. Wong responded that there was very little information available on the evaluation of the impact of the different quotas that had been put in place at the national level.

25. The third panel of the session focused on the International Decade for People of African Descent. The Chair of the Ad Hoc Committee on the Elaboration of Complementary Standards and Ambassador of South Africa, Abdul Samad Minty, delivered his statement. He stated that most people of African descent continued to live in conditions of extreme poverty exacerbated by the current economic and financial crises, which were cascading effects of the slave trade, the transatlantic slave trade, enslavement

and colonialism. He said that, despite all existing mechanisms, racism continued to rise; more aggressive manifestations of racism currently needed stronger measures and, in that connection, he gave a few examples of the prevalence of racism in sports, in the statements of politicians, in the treatment of migrants and in the media, among other areas. The Decade provided an important opportunity to focus genuinely on the plight of victims and on unconditional respect for human dignity. The Ad Hoc Committee would appreciate receiving meaningful contributions on those issues from the Working Group.

26. Jacques Martial, actor and president of the Établissement public du parc et de la grande halle de la Villette in Paris, delivered his presentation on "The *dialogue de citadelles* project, culture and its linkages to the International Decade". He said that the International Decade for People of African Descent provided an important framework for stressing the historical, geographical and multicultural aspects of people of African descent as exemplified by the *dialogue de citadelles* project. The project was aimed at highlighting the shared history of slavery and colonialism of the Caribbean as well as the contribution of people of African descent in the Caribbean to world culture. In particular, the project disseminated art and creation of the Caribbean through exhibitions, cultural events, performance arts and intercultural dialogue, with a view not only to raise awareness about the richness of the culture and history of the region, but also to allow different countries in the region to share their experiences among themselves.

27. Ms. Shepherd delivered a presentation on "Reparation and the right to development". She established the linkages between justice and development by drawing upon the salient observations and recommendations of the Durban Declaration and Programme of Action and the programme of activities of the International Decade for People of African Descent. She referred to the need for States to repair the damage done by the transatlantic trade in captured Africans, enslavement and colonialism. She also referred to the destruction of African communities, the capture and forced relocation of Africans to the Americas, the African Maafa, inhumane treatment during enslavement, post-slavery racial apartheid and suppression of anti-colonial struggles, as violations committed against people of African descent. She further emphasized the fact that poverty was a consequence of colonialism and had always been tied to its discriminatory practices and legacies. Ms. Shepherd introduced the Caribbean Community's Ten Point Action Plan for reparatory justice and elaborated in particular on the relevance of technology transfer which would serve to address historical tragedies and development. She pointed out that it was important to engage in psychological rehabilitation and reclaim dignity and pride through "concerted efforts of racial affirmation", as espoused by the poet Aimé Césaire.

28. Following the presentations, representatives of Brazil, Colombia, Mexico, Tunisia and the Bolivarian Republic of Venezuela and several NGO representatives spoke about their respective plans and programmes in implementing the International Decade for People of African Descent at the national level and at the local level, respectively.

29. The United Nations High Commissioner for Human Rights delivered his statement to the session on 1 April 2015. He said that he was honoured that the General Assembly had appointed him as Coordinator of the International Decade for People of African Descent. In that context, he underlined that the conclusions and recommendations resulting from the session on the theme of "Development and people of African descent" would be valuable inputs for the implementation of the programme of activities for the Decade.

30. The High Commissioner pointed out that, despite economic growth, an intolerable number of people of African descent continued to be burdened by underdevelopment. People of African descent faced discrimination in their access to fundamental services, including education, health care and basic resources. Even systems for law enforcement and justice — the very systems that should ensure fairness and protect all individuals — were often skewed against people of African descent, who were massively and unfairly

overrepresented in prisons around the globe. More recently, there had been growing and vicious manifestations of racism, Afrophobia and xenophobia in many countries.

31. The High Commissioner also noted the importance of recommendations emanating from the Working Group, which had frequently highlighted many severe developmental challenges faced by people of African descent, including the prevalence of multiple, aggravated or intersecting forms of discrimination, adding to the burden of racial prejudice discrimination on other grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status. He noted with appreciation the Working Group's joining hands with the Committee on the Elimination of Racial Discrimination to discuss the fight against racial discrimination faced by people of African descent on the occasion of the fiftieth anniversary of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination. The High Commissioner expressed the deep commitment of his Office in supporting efforts that helped to end racial discrimination against people of African descent and in realizing the rights of people of African descent.

32. Following the statement of the High Commissioner, the fourth panel of the session was held to commemorate the fiftieth anniversary of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination. The first speaker on the panel, Pastor Murillo Martínez, member of the Committee on the Elimination of Racial Discrimination and focal point on people of African descent, discussed the prevalence of a number of myths about cultural freedom and development. Those myths had been used to justify the false dichotomy of development or diversity, which had allowed the construction of an economic enterprise the size of the transatlantic slave trade and slavery in the Americas, which he claimed was still alive in many societies and had tangible consequences with regard to racism and racial discrimination, and limited development opportunities for social groups such as those of African descent. The Committee had exerted itself as a catalyst for preventing current and potential tensions, by periodically enabling a kind of intercultural dialogue within countries through its examination of Member States and their adherence to the Convention. He also delved into the application of general recommendation No. 34 (2011) on racial discrimination against people of African descent and the multifarious development challenges faced by people of African descent globally, which required global solutions.

33. Glenn Payot from Minority Rights Group International presented the work of the Group, an international NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples in different parts of the world. He gave examples of its work in relation to Dominicans of Haitian descent in the Dominican Republic, who faced risks of statelessness; issues of violence and discrimination against black communities in Eastern Europe and people of African descent in India; awareness-raising programmes undertaken by Nubian groups in Egypt; and efforts to document the situation of black communities in Iraq and Yemen. He highlighted the importance of the Committee on the Elimination of Racial Discrimination in the Group's work in the above-mentioned countries, and added that the Committee offered unique opportunities to address specific issues in great detail with relevant recommendations and to engage in discussions with a State on the details of its legislation, its policies and practices. The mandate of the Committee allowed it to focus on the most vulnerable segments of society, even when they were small in number. In the context of development and people of African descent, key challenges that remained were the lack of recognition, including the lack of data and statistics, the systemic and structural nature of underdevelopment and the need for collective action by rights holders to claim their rights.

34. Mr. Sunga, member of the Working Group, delivered a presentation on "Reflections on the African diaspora in Asia". He provided an overview of the range of obstacles to

development faced by African asylum seekers in Australia, Indonesia and Malaysia, and people of African descent in Japan. Mr. Sunga gave a number of examples as to how the rights to health, education, housing and employment in the above-mentioned countries were being compromised, or were at risk of being violated. Given the diversity of the continent of Asia, Mr. Sunga said that States in Asia, in spite of their own struggles with a colonial past and the experiences of their own nationals as asylum seekers and migrants, had shown different levels of limited understanding of the African diaspora in Asia. He emphasized the need to surface the truth about racism in that region, and recommended positive measures and awareness-raising in the different sectors to remove obstacles to the development of people of African descent, including appropriate steps to remedy violations of their rights.

35. During the interactive session, a number of representatives of Member States and NGOs participated in the discussion. In particular, Ms. Fanon Mendès-France raised the issue of increasing further collaboration with the Committee on the Elimination of Racial Discrimination. She also spoke of the situation of the Jarawa people in India, while Ms. Shepherd mentioned the situation of people of African descent in the Philippines, about which Mr. Sunga provided additional information. The respective presenters responded with further information on the issues raised.

36. The fifth and final panel discussion of the session focused on gender, African descent and development. The first speaker was Biancamaria Pomeranzi, member of the Committee on the Elimination of Discrimination against Women and focal point on development, who presented the topic of "Twenty years after Beijing: the role of the Committee on the Elimination of Discrimination against Women in assessing the impact of the Beijing Platform for Action on women of African descent". Ms. Pomeranzi said that the Beijing Platform acknowledged that gender subordination might be informed and heightened by race discrimination, xenophobia and other experiences and, because racial discrimination might exist or had intensified owing to its intersection with gender, attempts to address the persistence of racism required incorporating a gender analysis on the concept of interdependence especially within the context of anti-discrimination law, treaties and treaty bodies. She explained how general recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women sought to call upon State parties to report on discrimination at the intersection of race and gender, offering a guide to constructive dialogue with State parties in order to eliminate specific forms of violence and discrimination faced by women of African descent, and to concretize the interdependence and intersectionality of human rights of women of African descendent.

37. The Secretary General of the Young Women's Christian Association, Nyaradzayi Gumbonzvanda, shared her personal reflections on developments since the Beijing Platform for Action. She spoke in particular about the need to carry out collective efforts in a number of different areas, such as gender equality and access to education and health services for girls and women of African descent. She emphasized the importance of strengthening linkages between Africa and the diaspora. Ms. Gumbonzvanda recommended that the Working Group further discuss issues of the rights of women of African descent, focusing on specific areas such as child marriage, among others.

38. Suzanne Charles-Watson, from the Institute for Gender and Development Studies at the University of the West Indies, delivered a video statement on the topic of "Men, masculinities and the project of development". She provided a Caribbean perspective on how issues of gender and understanding masculinities influence Caribbean development paradigms. Ms. Charles-Watson stated that, with high unemployment rates, susceptibility to the impact of climate change and migration, as well as inadequate and overburdened social protection systems, the region was currently confronted with the need to develop new paradigms of development. In that regard, she pointed out that the study of the impact of

gender systems on Caribbean societal structures was still comparatively new. She added that a study of masculinity revealed systems of gender privileging, relegation of women and girls to the private space and thus underrepresentation in the public sphere, and gender-based violence and violence against women and children. She concluded that Caribbean development paradigms must focus on equity and equality where issues of gender, masculinity and femininity ultimately became issues of human rights and human dignity.

39. The Chief of the OHCHR Women's Rights and Gender Section, Veronica Birga, presented a paper on the achievements in realizing the rights of women of African descent since the adoption of the Beijing Platform for Action 20 years previously. Ms. Birga established linkages between the emphasis placed by the Beijing Platform for Action and the Durban Declaration and Programme of Action. Both highlighted the detrimental impact of intersecting forms of discrimination on the enjoyment of human rights, particularly on women from ethnic minorities, including women of African descent. She also alluded to the wide variety of challenges faced by women of African descent in different parts of the world as identified by the Committee on the Elimination of Discrimination against Women and a number of special procedures mandate holders, such as lack of access to social services, high rates of maternal mortality, unequal access to education, violence targeting women of African descent, especially their vulnerability to being trafficked, unequal opportunities for participating in decision-making and public life, occupational segregation and disproportionate incarceration rates of Afro-descendant women. Ms. Birga further presented a short video focusing on the work of a doctor in the United States of America who was defending the health rights of African-American women. She suggested that disaggregated data, temporary special measures and access to justice were measures to address the violations of the rights of women of African descent. Representatives of Brazil, Panama and South Africa expressed their appreciation of the different presentations made by the panellists and a number of NGOs requested follow-up information from the presenters.

40. On 30 March 2015, to celebrate the launch of the International Decade for People of African Descent, the Working Group had organized a special cultural event, along with an exhibition, entitled "People of African descent: recognition, justice and development", displaying the work of the Brazilian artist, Inêz Oludé. The event was attended by representatives of a number of permanent missions to the United Nations in Geneva, staff members of the United Nations and civil society.

V. Conclusions and recommendations

41. **The Working Group concluded its sixteenth session on the theme of "Development and people of African descent" and made the following conclusions and recommendations.**

42. **The Working Group recorded its appreciation to the High Commissioner for his intervention at the sixteenth session. It also thanked Member States and civil society for their active participation.**

A. Conclusions

43. **The Working Group concludes that poverty is both a cause and a consequence of discrimination. Development should not be narrowly defined as economic development only, but must also include political, economic, social, cultural and environmental aspects, consistent with the Declaration on the Right to Development. The Working Group "recognizes that ... historical injustices have undeniably**

contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries" and "recognizes the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect" (Durban Programme of Action, para. 158), in areas such as debt relief, poverty eradication, market access and the promotion of foreign direct investment.

44. The Working Group points out that, despite the publication of evidence, there is still insufficient attention paid to the proven contributions of people of African descent to world development. It concludes that the role that people of African descent have played in global development must be recognized both in terms of the contribution that the African continent has historically made to worldwide development, including during the transatlantic slave trade, and the contributions that Africans and the African diaspora have made and continue to make to the contemporary world.

45. In a period of economic and financial crisis, principles of participation, equality and non-discrimination should be integrated into all development activities where the realization of rights, including with respect to the fight against poverty and access to education, health, employment and political participation, are the goals of development. The Working Group also stresses that repairing the catastrophic damage done by enslavement and the slave trade would contribute to development.

46. The International Decade for People of African Descent is an important milestone in the struggle for the protection and promotion of the rights of people of African descent and their political, economic social and cultural development. On the occasion of the fiftieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination, the Working Group recognizes the important role that the Convention and the Committee have played in protecting the rights of people of African descent.

47. People of African descent remain invisible within societies in some States, owing to, inter alia, the lack of statistical data, including data disaggregated along ethnic lines. This poses an obstacle to assessing the progress made, as well as challenges faced by people of African descent in attaining overall development.

48. Considering the conditions of extreme poverty in which the majority of people of African descent live in both developing and developed countries, development activities and programmes must address all people of African descent, regardless of the country in which they live. Racism, racial discrimination, xenophobia and related intolerance pose major obstacles for people of African descent in the eradication of poverty.

49. The Working Group is concerned by the pervasive and distinct form of racism faced by people of African descent in employment and the labour market. Most statistical data from different parts of the world point to people of African descent and Africans as being among the most unemployed, and often subjected to racial discrimination while seeking employment. Similarly, people of African descent often lack access to quality health services and face disparities in health status as a result of racial discrimination.

50. The right to education is not enjoyed equally by all; millions of girls, boys, women and men of African descent suffer disproportionately from unequal access to quality education. Failure to ensure equal access to education robs people of their

opportunity to reach their full human potential and to contribute to the development of their own communities and society at large.

51. The segregation or ghettoization of people of African descent into low standards of housing and the lack of measures to support the development and improvement of poor housing conditions faced by people of African descent is a matter of grave concern to the Working Group.

52. The Working Group recognizes that women and girls of African descent face multiple, aggravated or intersecting forms of discrimination based on sex, language, religion, political or other opinion, social origin, property, birth, disability or other status. Such discrimination manifests itself in high rates of illiteracy, unemployment, lack of access to health services, quality education, landownership, drinking water and sanitation, and gender-based violence.

53. Judicial and administrative enforcement of human rights and the justiciability of economic, social and cultural rights, including the right to development, is crucial in ensuring that the rights to health, housing, employment, education, participation in development and all other rights are enjoyed by people of African descent.

54. The Working Group recognizes the good practices in some States, including initiatives aimed at guaranteeing participation of people of African descent in decision-making, data collection and development policies addressing concerns of people of African descent.

B. Recommendations

55. The Working Group urges States to adopt measures, consistent with the Declaration on the Right to Development, aimed at guaranteeing active, free and meaningful participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries. States should promote a greater knowledge of and respect for their heritage and culture and ensure participation in development and decision-making, and in the fair distribution of benefits resulting therefrom. States should take measures to realize the right to development taking into account the need to redress historical injustices through development programmes.

56. The Working Group recommends that States take into account the linkages between enslavement and colonialism that leads to underdevelopment, and take the impact of this intersectionality into account in development policies.

57. The Working Group suggests that all agencies of the United Nations system, as well as other international development and financial institutions, monitor the situation of people of African descent and report on their status and implement the Guidance note of the Secretary-General on Racial Discrimination and Protection of Minorities.

58. The Working Group encourages all human rights mechanisms of the United Nations, regional human rights bodies, national human rights institutions and civil society organizations to devote more attention to people of African descent in the implementation of their respective mandates.

59. The Working Group encourages Governments and international development and financial institutions to establish programmes, based on the participation of the communities concerned, aimed at improving the economic and social conditions of people of African descent. It also encourages Governments in the affected regions to use regional arrangements and organizations to address the effects of

underdevelopment, which tend to have a disproportionate impact on people of African descent.

60. Civil society should be encouraged to form national, regional and international networks to share learning, experiences and good practices, raise awareness of the situation of people of African descent and carry out joint advocacy and development initiatives, and develop capacity-building programmes intended for people of African descent with a particular focus on developing leadership skills. Civil society is also encouraged to increase its cooperation with the Working Group.

61. In the context of the International Decade for People of African Descent, the Working Group urges Governments, financial and development institutions and the funds and programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of these populations in developing countries, inter alia through the preparation of specific programmes of action for the implementation of the programme of activities of the Decade.

62. The Working Group encourages Governments, with the assistance of specialized agencies and international development and financial institutions as appropriate, to collect and compile reliable statistical data on the political, economic and social conditions of people of African descent and to disseminate such information widely, not only in order to undertake specific development projects but also to empower all stakeholders in the fight to improve the situation of these people.

63. Consistent with existing human rights commitments, States should also address poverty alleviation that eliminates racial discrimination, including through the implementation of development initiatives aimed at realizing the rights of people of African descent, in a manner appropriate to their culture and identity; ensure the full, active and meaningful participation of people of African descent throughout development programme cycles; and adopt measures to preserve, protect and restore the traditional knowledge of people of African descent.

64. States should take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, in particular Africans and people of African descent, including migrants and women, and ensure the full equality of all before the law, including labour law. States should ensure that workers' rights of people of African descent, including those relating to fair and equal wages, are protected, by increasing the effectiveness of legislation that prohibits all discriminatory practices in employment and the labour market that affect people of African descent, including through the implementation of special measures to promote the employment of people of African descent in public administration, as well as in private companies, including affirmative action policies such as quota systems.

65. States should involve people of African descent in designing and implementing health-based programmes and projects, ensuring that quality health services are available and accessible without discrimination, particularly in rural and marginalized areas with large populations of people of African descent, and that services are provided in a culturally appropriate manner and accessible to people of African descent, including the most vulnerable.

66. States should take all the measures necessary to give effect to the right of people of African descent, particularly children and young people, to free primary education and access to all levels and forms of quality public education without discrimination. Measures should be taken to increase the number of teachers of African descent

working in educational institutions. The Working Group also urges States to take steps aimed at removing negative stereotypes and imagery in teaching materials, by promoting more inclusive education systems, and to take measures to reduce the school dropout rate for children of African descent, with greater support and attention to families and ensuring that curricula are accessible, culturally relevant, providing education in their own language and promoting their cultural heritage, where necessary. States must implement their human rights obligations regarding the content of education.

67. States should implement special measures to ensure people of African descent have access to necessary housing services, by involving communities of people of African descent as partners in housing project construction, rehabilitation and maintenance and taking measures to ensure legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy, and prevent the forced eviction of people of African descent from their homes in both urban and rural contexts. The Working Group also urges States, in accordance with international human rights standards and their respective domestic legal frameworks, to resolve problems of ownership of ancestral lands, inhabited for generations by indigenous people and by people of African descent and illegally expropriated by colonial rulers.

68. The Working Group urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance. States, international organizations, NGOs and the private sector should consult and involve women of African descent, through a participatory and inclusive approach, in the processes and decisions relating to the elaboration and implementation of programmes and plans aimed at their social development. States should ensure that development paradigms focus on equity and equality, where issues of gender, masculinity and femininity ultimately become issues of human rights and human dignity.

69. The Working Group urges States to recognize the unique situation of youth of African descent and to implement targeted opportunities and specific measures that promote and advance the development of leadership and active participation in all sectors of society.

70. The Working Group recommends that the sustainable development goals of the United Nations development agenda beyond 2015 be applied as benchmarks by States to measure progress regarding the political, economic and social development of people of African descent. While grants and aid are welcome, the goal should be long-term development, especially in post-colonial societies.

71. The Working Group urges States to develop mechanisms of redress for violations of the right to development, concerning both people of African descent and of African States. Mechanisms should be available to all, including documented and undocumented migrant workers and asylum seekers. There should be people of African descent serving as officials in implementing these mechanisms.

72. States should ensure that the development and implementation of positive measures, aimed at accelerating the achievement of substantive equality and for securing equal access of Africans and people of African descent to opportunities, contribute to poverty reduction and lead to the empowerment of communities.

73. The Working Group encourages States to share good practices, including initiatives aimed at guaranteeing participation of people of African descent in decision-making, data collection and development policies addressing concerns of people of African descent.

74. The Working Group urges States to develop public policies that do not keep people of African descent and African countries in a state of economic dependence but rather ensure that they benefit from development on an equal footing with the rest of the population and the developed countries, while at the same time respecting their sociocultural differences.

75. The inclusion of reparations should be in line with the Durban Declaration and Programme of Action, which recognizes the contribution of historical injustices to contemporary poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, in particular in developing countries, and the need to develop programmes for the social and economic development of these societies and the diaspora.

76. The Working Group encourages people of African descent and the African diaspora to pursue domestic redress for racism, racial discrimination, Afrophobia, xenophobia and related intolerance that impede development.

77. At the same time, the Working Group encourages people of African descent to celebrate the achievements of their ancestors and honour their memory through the truth and acknowledgement of that history which continue to undermine societies. Such strategies would represent means of self-awareness and sociocultural development.

78. The International Decade for People of African Descent should be used to build bridges of understanding and reconnect the diaspora with the continent of Africa in order to address the feelings of loss, lack of identity and absence of indigenous knowledge that plague people of African descent in the diaspora.

79. The Working Group recommends that during the International Decade for People of African Descent, the International Forum for People of African Descent should be the platform for States, civil society and the United Nations to plan concrete action for the total recognition of the rights of people of African descent. The Working Group is concerned that the Forum is not a permanent forum.

80. The Working Group looks forward to contributing to the establishment of the International Forum for People of African Descent and to the process of developing and drafting the declaration on people of African descent under the auspices of the International Decade for People of African Descent, including through its active participation in the Forum.

Annex I

Agenda

1. Opening of the session.
2. Election of the Chair-Rapporteur of the Working Group.
3. Adoption of the agenda.
4. Organization of work.
5. Briefings with regard to:
   (a) Reports submitted to the Human Rights Council and the General Assembly;
   (b) Visits to the Netherlands and Sweden by the Working Group;
   (c) Internal meeting of the Working Group;
   (d) Other activities.
6. Thematic discussion on people of African descent, with a focus on the theme "Development and people of African descent":
   (a) Keynote address;
   (b) Other presentations;
   (c) Interactive discussion with participants.
7. Adoption of the conclusions and recommendations of the Working Group made at its sixteenth session.

Annex II

[English only]

List of participants

A. Members of the Working Group

Mr. Michal Balcerzak

Ms. Mireille Fanon Mendès-France

Mr. Sabelo Gumedze

Ms. Verene Shepherd

Mr. Ricardo A. Sunga III

B. Member States

Argentina, Austria, Brazil, China, Colombia, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Germany, Greece, Ireland, India, Japan, Latvia, Mexico, Morocco, Namibia, Norway, Pakistan, Panama, Portugal, Russian Federation, Rwanda, Saudi Arabia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

C. Non-member States

Holy See.

D. International organizations

International Labour Organization (ILO), United Nations Development Programme (UNDP), World Health Organization (WHO).

E. Intergovernmental organizations

European Union.

F. Non-governmental organizations in consultative status with the Economic and Social Council

African Commission of Health and Human Rights Promoters, Association of World Citizens, International Youth and Student Movement for the United Nations (ISMUN), Mouvement International pour les Réparations, Rencontre Africaine pour la Defense des Droits de l'Homme, World Against Racism Network.

G. Non-governmental organizations not in consultative status with the Economic and Social Council

AFROMADRID, Association des Bassas de Suisse, Association des femmes du Kwango-Kwilu 'Mukubi', Black Mental Health UK, Collectif Afro-Swiss Humaine (CREA), Culture of Afro-Indigenous Solidarity, Mouvement contre le racisme et pour l'amitié entre les peuples, SOS Rassismus Deutschschweiz.

H. Panellists and presenters

Ms. Rebeca Arias, Director, UNDP Regional Centre, Panama;

Ms. Veronica Birga, Chief, Women's Rights and Gender Section, OHCHR;

Ms. Suzanne Charles-Watson, Institute for Gender and Development Studies, University of the West Indies;

Ms. Nyaradzayi Gumbonzvanda, Secretary General, Young Women's Christian Association;

H.E. Abdul Samad Minty, Chair of the Ad Hoc Committee on the Elaboration of Complementary Standards, Ambassador of the Republic of South Africa;

Mr. Laurence Juma, Professor and Deputy Dean, Faculty of Law, Rhodes University, South Africa;

Mr. Jacques Martial, Actor and President of Établissement public du parc et de la grande halle de la Villette, Paris;

Mr. Pastor Elías Murillo Martínez, Member, Committee on the Elimination of Racial Discrimination (CERD);

Mr. Glenn Payot, Geneva Representative, Minority Rights Group International;

Ms. Biancamaria Pomeranzi, Member, Committee on the Elimination of Discrimination against Women (CEDAW);

Ms. Shyami Puvimanasinghe, Human Rights Officer, Right to Development Section, OHCHR;

Mr. Patrice Tacita, Lawyer and Poet, *Liyannaj Kont Pwofitasyon* (LKP), Guadeloupe;

Ms. Rebekah Thomas, Technical Officer, Gender and Cultural Diversity Unit, WHO;

Ms. Lisa Wong, Senior Declaration Officer, ILO.